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Date: February 15, 2002

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PATENT

Paper No.

Our File No. Hinne-P3-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor : Michael Hinnebusch

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For : SYSTEM AND METHOD TO IMPROVE FITNESS  
TRAINING

Group Art Unit : 2121

Examiner :

Assistant Commissioner of Patents  
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**INFORMATION DISCLOSURE STATEMENT**

S I R :

This Information Disclosure Statement is being filed pursuant to the duty of disclosure, candor, and good faith embodied in 37 C.F.R. §§ 1.56 and 1.97 owed by the inventor, the inventor's assignee substantively involved in the application, and the patent attorney to the United States Patent and Trademark Office. Submitted herewith are patents, publications, and other information of which the inventor is aware to help make this information of record.

**I. COMMENT ON THE ENCLOSED PRIOR ART**

While the Information Disclosure Statement and the patents, publications, and other information provided hereby may be "material" pursuant to 37 C.F.R. §§ 1.56, it is not intended that these constitute an admission of "prior art" for this invention unless expressly

designated as such. Although a search has been made of United States patents, and the inventor has added other information in the specification, this Information Disclosure Statement shall not be construed to mean that no other material information, as defined in 37 C.F.R. §§ 1.56, exists.

**A. General**

The section of the patent application subtitled "Background of the Invention" identifies material believed to be material to, or of interest in, the examination of the application and provides a concise explanation of the material. This Information Disclosure Statement also transmits information that the Examiner is respectfully requested to independently to consider in the examination of the application. The Examiner is also requested to initial as indicated in the attached Form PTO-1 449 if a citation is considered and draw a line through a citation not considered, and include a copy of Form PTO-1449 with the next communication to counsel for the Applicant. Enclosed is a copy of every patent or other document uncovered in a search conducted as specified in the Petition to Make Special that is enclosed herewith.

Generally, the known prior art seems to have focussed more on protecting said machine-readable instructions as private to the user, in claim 1, and associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions, in claim 3, to the extent more particularly set out below.

**A1 U.S. Patent No. 5,702,323**

U.S. Patent No. 5,702,323 teaches an electronic exercise enhancer. More particularly, the '323 patent teaches an apparatus for providing stimuli to a user while sensing the performance and condition of the user may rely on a controller for programmably coordinating a tracking device and a sensory interface device. The tracking device may be

equipped with sensors for sensing position, displacement, motion, deflection, velocity, speed, temperature, humidity, heart rate, internal or external images, and the like. The sensory interface device may produce outputs presented as stimuli to a user. The sensory interface device may include one or more actuators for providing aural, optical, tactical, and electromuscular stimulation to a user. The controller, tracking device, and sensory interface device may all be microprocessor controlled for providing coordinated sensory perceptions of complex events.

Applicant contends that the '323 patent does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**A2     U.S. Patent No. 5,836,770**

U.S. Patent No. 5,836,770 teaches a multimedia product for use in physical fitness training and method of making. More particularly, the '770 patent teaches a multimedia product for use in physical fitness training comprises a player-readable storage medium having a substrate and audiovisual program data encoded in the substrate. The audiovisual program data comprises first and second routines of physical movements sequentially captured from a first perspective. The first and second routines have at least some mirror-image or "opposed" physical movements such that when the program data is read by a player and displayed, the first and second routines are juxtaposed in a predetermined "split-screen" format. A method of making the product is also described.

Applicant contends that the '770 patent does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the

exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**A3     U.S. Patent No. 5,904,484**

U.S. Patent No. 5,904,484 teaches an interactive motion training device and method. More particularly, the '484 patent teaches a three-dimensional, digitized motion template, a motion training device, a network of devices, and a method for enabling a student to interactively emulate in real time the three-dimensional, actual moving image of an instructor performing a selected motion. The time background having a live, moving image of the student dynamically performing the selected motion. A monitor is configured for viewing by the student while performing the selected motion. A motion template has a stored sequence of moving images of an instructor dynamically performing the superimposing the motion template onto the real time background and simultaneously displaying on the monitor the resulting combination of the motion template and the real time background scene. The device can further be one or many devices connected in a network sharing access to a database containing a library of motion templates of different instructors who are top performers in their field.

Applicant contends that the '484 patent does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**A4     U.S. Patent No. 5,947,868**

U.S. Patent No. 5,947,868 teaches a system and method for improving fitness equipment and exercise. More particularly, the '868 patent teaches a method an apparatus for

exercise equipment and exercise is provided. One or more exercise monitors are attached to a piece of exercise equipment and/or an exerciser. During exercise, each exercise monitor measures a performance level of the exerciser and outputs a performance level signal to a video game player. The video game player monitors the performance level signal and controls the performance level of a video game character based on the performance level of the exerciser. Many exerciser performance levels may be monitor such as pulse rate, exercise rate, distance traveled, time exercised, etc. and can be used to control such video game character performance levels as speed, striking force, energy level, lifetime, game level, etc. The video game player preferably comprises a hand-held video game player.

Applicant contends that the '868 patent does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**A5     U.S. Patent No. 5,720,619**

U.S. Patent No. 5,720,619 teaches an interactive computer assisted multi-media biofeedback system. More particularly, the '619 patent teaches a an interactive computer-assisted, multi-media biofeedback system which displays a user's physiological data as a colored aura driving a computer, video game or program. The system includes: (1) a monitor, (2) software programs to digitally generate a color aura portrait, alterable in real-time in response to the changes of measured physiological variables of the user, (3) a video game Biostick which measures the user's physiological variables and input control devices such as a mouse or keyboard, (4) audio components for auditory feedback, and (5) remote communications devices. Software may consist of competitive or educational exercises or

adventures which are interactive with the user's physical skills of controlling a joystick and controlling the physiological variables as represent by the aura measured through the Biostick. An electronic computer input signal is received broadcast signal viewed on a television set. Either the computer game's action sequences, television program output, or both, are affected by remote transmission of input data comprised of the user's physiological variables as measured by the Biostick. The variables change as the viewer is stimulated by the television action being watched. Viewing the changes in the aura allows a user to practice control of subconscious energies and alter both the computer and television output.

Applicant contends that the '619 patent does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**A6     U.S. Patent No. 5,957,699**

U.S. Patent No. 5,957,699 teaches a remote computer-assisted professionally supervised teaching system. More particularly, the '699 patent teaches a student user of a client computer system uses a teaching process to promote development of cognitive skills of the student and a supervisor uses a second client computer to remotely monitor the progress of the student. The teaching process presents various types of stimuli to the student and records student response data which correspond to the stimuli. In addition, the teaching process forms evaluation data from the student response data where the evaluation data represents a correlation between the student response data for respective stimuli and predetermined correct response data for respective stimuli. Furthermore, the teaching process modifies its own behavior according to the evaluation data to thereby tailor the behavior of the teaching process

to the cognitive abilities of the student. The student response data is uploaded to a global student database which is accessible to a supervisor user. The supervisor requests student response data from the global student database and presents the student response data to the supervisor for analysis. The supervisor can use such analysis in direct consultation with the student at a later date or can recommend changes in the behavior of the teaching process to more effectively encourage development of the cognitive ability of the student.

Applicant contends that the '699 patent does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**A7. U.S. Patent No. 6,059,692**

U.S. Patent No. 6,059,692 teaches an apparatus for remote interactive exercise and health equipment. More particularly, the '692 patent teaches an exercise system including a local system having an exercise apparatus and an associated location computer, where the local computer controls and monitors the operation and use, respectively, of the exercise apparatus. The system further includes a remote system having a remote computer, and a transmission medium including a telephone line that couples the local system to the remote system for data communication between the local system and the remote system. The remote system may receive local system data from the local system concerning the use of the exercise apparatus, and the exercise apparatus. The local computer preferably controls the operation of the exercise apparatus based upon a modifiable script stored in a read/write memory of the local computer, which can be updated by the remote system. A method for controlling an exercise apparatus includes running a modifiable script on a local computer to control the use

and to monitor the operation of an exercise apparatus, and communicating with a remote system to provide the remote system with data concerning the use of the exercise apparatus. The script is stored in a read/write memory of the local computer and remote system data received from the remote system may include at least a portion of a new script to be stored in the read/write memory of the local computer.

Applicant contends that the '692 patent does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**C1. UltraCoach HRM**

This document is a print out from an Internet site, and describes multi-user athletic training software programs for athletes.

From the date of the print out, it cannot be determined whether this constitutes "prior art," and in any case, Applicant contends that the print out does not teach the claimed "protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

**C2. PC Coach Elite introduces many new features that enhance your train**

This document is a print out from an Internet site which allows an athlete to download software to track the progress of his/her training.

From the date of the print out, it cannot be determined whether this constitutes "prior art," and in any case, Applicant contends that the print out does not teach the claimed



"protecting said machine-readable instructions as private to the user," in claim 1, and "associating the exercise routine with a machine different that said exercise machine to produce a first set of signals, and translating the first set of signals into the machine-readable instructions", in claim 3.

### **Other**

Prior counsel purportedly did a search and reported finding Exercise for the Palmpilot and UCVR: Fit.match Compat. Documentation of what was uncovered does not seem to have survived, so far as the inventor and undersigned are aware. Nonetheless, this information is being reported in keeping faith with a duty of candor owed to the U.S. Patent and Trademark Office.

### **II. FEE**

The present Information Disclosure statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits and hence is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fees are believed to be due in connection with the filing of this Information Disclosure Statement. However, should any fees be deemed necessary (except payment of the issue fee), the Commissioner is authorized to charge any deficiency or to credit any over payment to Deposit Account No. 50-0235.

### **III. SIGNATURE**

The patent attorney signs below based on information from the inventor's and the attorney's file.

Date: February 15, 2002

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Respectfully submitted,



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